

Mono County Planning Commission

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MINUTES

December 12, 2002

(Adopted 01/09/03)

COMMISSIONERS PRESENT: Scott Bush, Rick Kattelman, Sally Miller, Steve Shipley, Bill Waite
STAFF PRESENT: Scott Burns, CDD director; Keith Hartstrom, Larry Johnston & Greg Newbry, senior planners; Dennis Lampson, Environmental Health; Mark Magit, deputy county counsel; C.D. Ritter, commission secretary

1. **OPENING OF MEETING:** Chair Waite called the meeting to order at 10:14 a.m.
2. **PUBLIC COMMENT:** No comment.
3. **MEETING MINUTES:** Review minutes of last meeting. **MOTION:** Adopt the minutes of Nov. 14, 2002, as amended: 1) Page 3, fourth paragraph, "According to Magit, fire commissions and CDF regulations ~~in~~ agree word for word..." (Kattelman/Bush. Ayes: 4-0. Abstain: Miller)
4. **CONSENT AGENDA:** No items.
5. **PUBLIC HEARINGS:**

10:15 A.M.

CROWLEY LAKE ESTATES SPECIFIC PLAN AMENDMENT I, Crowley Lake Mutual Water Company. *The proposal would allow installation of a 286,000-gallon water storage tank (16' high, 55' diameter), a water well, and a booster pump station in the southern part of the site known as "Crowley Lake Estates Specific Plan," in the Crowley Lake area as part of APN 60-210-31. The water storage tank would be painted bolted steel. The 10' high x 18' by 20' booster pump station would house system controls as well as booster pumps needed to raise the pressure of the water stored in the tank. A Class 3 and Class 32 Categorical Exemption under the California Environmental Quality Act – New Construction/Conversion of Small Structures and Infill Development, respectively, has been filed.*

Senior Planner Larry Johnston reviewed project changes via PowerPoint. Visual simulations showed the proposed tank, surrounding landscaping and an access road. Commissioner Miller asked why a Categorical Exemption was done instead of a Negative Declaration. The effects of the project could be mitigated by conditions within the existing Specific Plan. There were two Categorical Exemptions: a small pump house and infill development (tank). A Director Review cannot be done without an exemption. After notice, there were sufficient letters and public concerns to move from Director Review to the Planning Commission, then to the Mono Supervisors. The water company is on a fast track due to a \$270,000 grant application window.

OPEN PUBLIC HEARING: John Pedersen, board president of Crowley Lake Mutual Water Co., presented the proposed water improvement project (see handout). The district qualifies for a grant and loan from USDA under 1990 Census data, but not the 2000 Census. The 2000 Census data will be used Jan. 1, 2003, and the water company would no longer qualify for a grant. A buried tank would be much more costly. It would be visible a foot off the ground.

COST: Shareholders know the cost, as the agenda and minutes of the Crowley Lake Mutual Water Co.'s annual meeting showed discussion and support. The loan is 4.5% over 40 years. The water company must put away funds for a loan payment reserve. A lump sum up front is not an option, he explained. Doubling water bills is tough, but if the water company does nothing about the citation issued by Mono County, the Public Utilities Commission could step in and likely cost even more.

SITE ALTERNATIVES: Commissioner Shipley mentioned the USFS tank at a higher elevation at the Whiskey Creek subdivision. Mountain Meadows would require another storage tank. The USFS rejected Mountain Meadows' special use permit application to White Mountain Ranger District a year ago to use land for a storage tank because all private land alternatives had not been exhausted. Commissioner Shipley, a Crowley Lake resident, explained that Mountain Meadows takes care of all new development, condos, Elderberry Lane and the southern area (60 units or so). There is nothing on the Juniper Loop side. Ultimately, a tank on the hill for all Crowley Lake is needed. Lower-elevation sites require pump tanks and visual screening. Crowley Lake Mutual is pushing this alternative due to the grant deadline.

The Mammoth Unified School District said a tank would not fit in with preliminary conceptual plans of its property, so then rejected the request. Crowley Lake Mutual Water Co. is open to serving the project, but MUSD is not interested in water supply for its project 20 some years out.

The Eckert property is a small site, but a tank would make the property unsubdividable, so there is resistance.

Crowley Lake Estates property owner Charles Boxenbaum is willing, the well was addressed in the Specific Plan, the tank and booster pump station in Specific Plan amendment 1, and it is feasible within the time frame. Commissioner Shipley asked whether Boxenbaum's buying into it would reduce his actual investment. Pedersen said it would add 17 shareholders. Estimated water bills would be \$74/mo. Boxenbaum's proposed low-income housing would need a tank. Whoever moves first would encumber the burden of the tank. Sharing the tank would offset the cost of screening. Who would be paying for it, who could buy into it?

COST: Commissioner Miller wondered how much the Planning Commission is required to consider cost issues as opposed to environmental issues. Deputy County Counsel Mark Magit replied that the Planning Commission needs to look at the whole picture of how land is used in the county, in compliance with the General Plan and specific plans. Cost is not a direct factor, but a relevant consideration. The Planning Commission considers fiscal impact on individual owners as well as broad land use policy. Nothing is free; land use issues are affected by cost. Commissioner Kattelman asked about the incremental cost of exposure footage. Pedersen explained that the tank is 20 feet from the road, and if the height were to drop another foot, the retaining wall would have to be higher and more costly.

RESIDENT SUPPORT: Craig Tapley, whose house faces the proposed tank, supports it. Pedersen said Fred Lommori, whose property overlooks the tank, supports it, as he thinks the project is needed and provides an opportunity to get off his own well. Pedersen discussed the proposal at length with across-the-street neighbor Liz Fleming, who would prefer alternative sites, but understands the timing of the grant. She believes the screening and lessened visual impact make the proposal OK. Commissioner Miller noted, however, that Fleming's comment letter mentioned six concerns, including a landscaping/irrigation proposal that would come to the Planning Commission later, and exterior lighting, which would not be on unless someone was working on the tank at night. Comment letters of support from residents Debra Ray and Andrea Clark were added.

NOISE: Commissioner Shipley noted that low-frequency hums could be heard miles away. Pedersen said when the environmental analysis was done, the noise was attenuated to ambient neighborhood noise levels. Commissioner Bush commented that people could walk away from visual impacts, but not from noise. Pedersen noted that no obnoxious hum would be emitted unless someone was standing next to the pump station.

VISIBILITY: Commissioner Shipley asked about lowering the tank two feet. Pedersen indicated that from an engineering perspective, it's a possibility, as it already has been lowered two feet. A grading plan was done to see if could fit at that elevation. Considerations such as height of the wall, the ability to get drainage and a pump station on site, and the proximity of a sewer line would change the cost. Commissioner Miller wondered whether nine feet above ground is the maximum visibility. Pedersen said if someone stands at the access road, the whole tank is exposed. The visibility ranges from 0' to 16', as the tank sits low in a bowl. Pedersen indicated that shareholders could not afford burying the tank. Commissioner Shipley said the burden of cost could be dispersed by providing fire protection for other areas, not just the 61 shareholders. Commissioner Waite wondered whether the district would grow if a tank were put in. Pedersen indicated that Crowley Lake Mutual Water Co. did a lot of work to solve the water problem in Crowley Lake. Mono County Environmental Health Specialist Marvin Moskowitz, who recently discovered fecal coliform in the Crowley Lake water supply, would confirm that this is a much-needed project and a solution to the citation by Mono County.

Fred Stump, Long Valley Fire Protection District chief, spoke in support of the proposal, specifically for the enhancement of fire protection it offers. Planning commissioners had indicated a need for exploration of more-comprehensive solutions, and this proposal is a step toward that. He did not know whether Mountain Meadows would consider unifying. Engineering complications exist in some areas of the district. Mono County has already approved the Crowley Lake Estates, as the developer will need a water system, a tank and a well. Study constraints are still in effect. The FPD supports any solution that would enhance water flows. LAFCO commissioners discussed this issue in a meeting yesterday.

Kai Day, Crowley Lake resident, recommended holding Planning Commission meetings in Mammoth Lakes so people could voice opinions more easily. She mentioned that residents would look down on the tank, just like the county yard. Adding this tank would increase water use 100%, she predicted. Residents received notice to abandon their wells for three days to study the test well. How are the trailer park and store to shut down for three days? Test wells are needed. What about CEQA exemptions? Water impact has not totally been

addressed. Maybe wells nearby would dry up. Why should residents fix the water company's problem? Existing problems should be fixed before any more development takes place. This proposal would take away her well and make her pay for water, yet she would not have any more fire protection, she said.

Ron Day, Crowley Lake resident, indicated a need to solve Crowley Lake's water problems. Visual impacts are not good, as the tank would be located down at the end of town. The grant deadline should not be the reason for a decision. If things were pressed, the community would get something in the end that it does not want. He thinks finding another location would be a better way to look at the overall picture.

Although Ms. Day predicted a 100% increase, Crowley Lake Mutual Water Co. would continue to use its own well, Pedersen said. She also recalled that well placement was in the center of the Crowley Lake Estates property. If the well were placed somewhere else, would a larger area of testing be needed? They would need to include a report on how far-reaching water use would be in light of increased demand. If the well were moved, the circle of impact would change: a greater amount of water would mean greater draw down.

Johnston indicated that Crowley Lake Estates must test the well and mitigate problems from it. The neighborhood would be protected by that. This well would be farther away from the Day property, therefore have a lesser effect. All conditions of the Specific Plan must be met.

DEPTH: Consultant Kleinfelder had produced a test-pumping proposal for a well 500 feet deep. Average well depths are 300 feet. According to Magit, mitigation measures by Mono would include improvements to private wells. Johnston indicated no increased use overall of what was studied in the Specific Plan. Crowley Lake Estates would get water from both old wells. Commissioner Bush said it doesn't take a lot to change what happens underground. Johnston indicated there was no specification of well location in the Specific Plan. If there were a 10-foot draw down, do the mitigation. Boxenbaum must meet the WQ-2 stipulation and work with Crowley Lake Mutual Water Co. because it benefits his property.

CITATION: Environmental Health Director Dennis Lampson indicated that Crowley Lake Mutual Water Co. is under citation by Mono County for high uranium plus fecal coliform. The Health Department supports the proposed project, as a new well and storage tank would help correct the problem of high uranium, could blend water, and would meet federal and state requirements for potable water. From a public health perspective, it would eliminate the violation. Initial testing needs to be done with a test well. Lampson recalled that Sierra East mobile home park exploratory test wells did not find potable water, so the park will use the rest of its grant to come up with treatment to mitigate problem found there. Pedersen said the hydrologic analysis looked at 11 surrounding wells. A spring from a rock outcropping is probably the source of uranium, but also there's arsenic. The grant is to build a tank to fix the water problem. If the tank does not work, another solution could be found.

Commissioner Shipley asked if the grant were a "for sure" thing. Pedersen said money is available, and corporate status is being discussed in an attorney letter that will take two weeks for approval. A letter of conditions would be needed with the grant to close escrow on a loan.

Commissioner Shipley questioned whether a specific site is tied to the grant money. He suggested using the same money and relocating the tank to USFS land. He did not like pushing through something due to time constraints. Pedersen indicated there is flexibility in the project if test wells go bad. Even if costs increase, a larger grant would be provided.

Commissioner Shipley wondered whether a time frame exists for the project. Pedersen replied that the water company's answer to the citation is a plan of action, accepted by the Health Department; probably a reasonable time frame exists.

Commissioner Kattelman asked whether local government approval of rural utilities is required to complete the grant application. Pedersen said the company must meet application requirements of CEQA and NEPA. If the project is not acceptable to the local jurisdiction, however, there is no project. CLOSE PUBLIC HEARING.

Discussion: Commissioner Miller supports the project because it meets fire safety and health concerns. But, it seems from letters that the concern is visual. Simulations do not always tell the whole story. She feels the obligation to approve the best project, not be driven by a deadline. She asked how mature could trees be and survive. Pedersen said the tank was addressed by the same screening as the northern boundary of the property; i.e., 15-foot high trees. Commissioner Miller thinks landscaping needs mature trees. Mitigate the project by burying the tank and/or planting trees. She expressed appreciation for Pedersen's volunteer effort, as opposed to commercial gain.

Commissioner Bush's biggest concern is not having enough water. He hasn't seen a better alternative, but does not like having to make a decision based on a deadline.

Commissioner Kattelman supports the project in concept, as it is a step in the right direction. If the Planning Commission approves it -- and before it goes to the Mono Supervisors -- Magit and Johnston should reexamine WQ-2 to see if anything could be added to it regarding a funding source if neighborhood water problems should occur. The risk should be on Crowley Lake Mutual Water Co., not neighborhood well users.

Commissioner Shipley thinks the project is definitely needed, but is concerned with the visual impact -- there is no way people would not see the tank. Crowley Lake just spent \$1 million on a community center close to the tank. Comment letters mentioned visual concern, which also is his biggest concern. The only thing that would cover a tank like that is fat trees like pinon pine that take 150 years to grow. He thinks it is a great idea but not a solution, and he dislikes being "pushed" by the grant application. The solution probably is a tank higher up, on USFS property. Mountain Meadows would be a much better water source, as the infrastructure is already there. Have other locations been exhausted? Another big concern for the community is that people can't come to meetings; it's hard to gauge community support. He has a hard time supporting it due to visual impact and lack of exhausting other options, he said. Stump indicated that the FPD supported Mountain Meadows' attempt to get another tank, but the USFS stance was intractable.

Commissioner Waite said if the community keeps growing, it still would need a tank later. Commissioner Shipley discussed alternate locations, and noted that Rocking R (Sierra Springs) and Tomajko Estates are tied to Mountain Meadows. It is difficult to find tank sites, as the community is surrounded by USFS and BLM land. If the tank were buried, he would

be more inclined to support it. He does not want to look at a massive tank 20 feet off the road, with nothing to backdrop it. "You might as well put a flag pole on top," he said. He would like to see the grant money applied to the project near Mountain Meadows.

Commissioner Waite thinks everything comes to Planning Commission up against a due date, grant or whatever. The commission spent many months on fire safe regulations. He wishes there were a way to push the issue of a community water system, but can't base his decision on that. Crowley Lake people need water and fire protection. He is trying to do what's right, but it's a tough decision. There is no way to know how the tank would affect neighborhood wells, but the community has to start somewhere.

Johnston noted that the real task is getting proper screening. Landscaping plans must go back to the Planning Commission for approval.

MOTION: Approve Resolution R02-05 as stated, with the additional direction that staff and County Counsel explore modification of WQ-2 to minimize risk to wells on adjacent properties. **AMENDED MOTION**: Delete item 4 first sentence. (Kattelman/Bush. Ayes: 3. Noes: 2.)

In further discussion after the motion, the Planning Commission consensus was that staff should convey to the Mono Supervisors its concerns with visual impact and the time crunch for a decision. The commissioners would like to explore alternative sites that were not fully considered and would prefer to look at them carefully to weigh possible options.

Commissioner Waite wants the Mono Supervisors to know the extensive deliberations leading to Planning Commission approval of this amendment, despite reservations.

6. WORKSHOPS:

A. CENTRAL BUSINESS DISTRICT PARKING

Director Scott Burns mentioned that the first series of development standard amendments would be presented to the Mono Supervisors next week, and suggested this item be continued due to lack of time today. Commissioner Miller, who noted she would miss the January meeting, had several suggestions. An alternate parking concept would be a 25% reduction off the top. Lee Vining business owners think that parking distance is key in the commercial district. Hess Park or the community center could offset business parking needs. Commissioner Miller noted plenty of residential and commercial intermix. Residential owners complain more and more about people parking on "their street." Commissioner Waite suggested considering small businesses with fewer than a certain number of employees, or a square footage requirement. Burns said an intern could prepare a parking inventory. Commissioner Bush asked whether to incorporate paved vs. unpaved requirements.

Next meeting: Delay from Jan. 9 to Jan. 16? No, commissioners have scheduling conflicts.

B. SPLIT LAND USE DESIGNATION POLICY

After a brief discussion, this item and the workshop on Central Business District Parking were continued to the next meeting.

7. **REPORTS**

A. **DIRECTOR:** Intrawest will present its preapplication review to invited agencies at the Dec. 16 LDTAC meeting. Public scoping for environmental issues would be next.

B. **PLANNING COMMISSIONERS:** Commissioner Shipley relayed that people are happy with the Crowley Lake road project. Even though it has been discussed at RPAC meetings, most of the community does not know about the proposed tank project.

Commissioner Kattelman suggested discussing with Sierra Business Council's Darin Dinsmore the idea of combining General Plan and code. There is no design review in process. Burns recommended devising a process to address changes with visual impact, and inviting Dinsmore to a Planning Commission meeting. Commissioner Kattelman mentioned combining zoning into the General Plan and letting communities spell out certain uses. Newbry would like to see the actual document, not a "simplistic one-pager."

Commissioner Waite noted that design guidelines are very controversial. Burns suggested peer review analysis of the Intrawest proposal by outside experts to present to the June Lake CAC. Commissioner Waite wondered whether state law or the specific plan would apply. Legal assistance might be required.

8. **ADJOURN MEETING:** 1:08 p.m.

Respectfully submitted, C.D. Ritter, commission secretary